

Date

Assistant Fire Chief Chase Bruner  
Westwego Fire Department  
1002 4th St.  
Westwego, La 70094

**Re: Board Docket No. 2021-259**

Dear Assistant Chief:

The Louisiana Board of Ethics, at its June 4, 2021 meeting, considered your request for an advisory opinion regarding whether Robert Hebert, Assistant Fire Chief for Westwego Fire Department in Jefferson Parish, may serve as the Fire Chief while continuing to serve as the Assistant Fire Chief.

### **FACTS PROVIDED**

The Westwego Fire Chief is not a full-time position and is not paid a salary; however, the fire chief does receive a stipend from the city for his service. The Westwego Fire Chief is elected by all employees of the fire department – paid and volunteer. The name of the person elected is given to the Mayor of Westwego, who makes a recommendation to the Westwego City Council, which is responsible for the hiring of the fire chief. Historically, the person elected fire chief by the firefighters is the person recommended by the Mayor to the Westwego City Council for appointment. The fire chief is responsible for supervising the assistant chiefs and all paid staff of the fire department. Westwego has five Assistant Fire Chiefs, two of which are paid by the City of Westwego. The Assistant Fire Chiefs are civil service employees.

Mr. Robert Hebert, who is one of the 2 paid Assistant Fire Chiefs, would like to run for fire chief if the Code does not prohibit him from serving in both capacities. Mr. Hebert stated that if he were appointed fire chief, he would not accept the stipend for his service. Additionally, he stated that he would not allow the appointment to change his daily routine, and that all time spent on the responsibilities as Fire Chief would be done outside of his work hours as Assistant Chief.

The Attorney General has already been contacted regarding whether this matter presents a dual office holding issue.

### **LAW**

**La. R.S. 42:1112A** prohibits a public servant from participating in a transaction in which he has a substantial economic interest.

### **CONCLUSION**

The Board concluded, and instructed me to advise you, that the Code prohibits Robert Hebert from being both the fire chief and an assistant chief. Since the assistant fire chiefs are supervised by the fire chief, Mr. Hebert as fire chief would be compelled to participate in transactions in which he has an economic interest as an assistant fire chief.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Suzanne Quinlan Mooney  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.